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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

 Plaintiff,

 v.

LEONEL RIVERA,

 Defendant.

No. 2:97-cr-40-01 WBS

ORDER

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Defendant Leonel Rivera has filed a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). (Docket No. 249.) The court recognizes defendant's contention that compassionate release is warranted because of the COVID-19 pandemic, along with his diagnosis of diabetes, hypertension, and other medical conditions and the various sentencing factors under 18 U.S.C. § 3553(a). However, defendant appears to be receiving proper treatment for his current conditions, and he received his first dose of the Moderna COVID-19 vaccine on April 27, 2021 and should be receiving his second dose shortly. Further, as this

1 court has stated numerous times, the COVID-19 pandemic by itself
2 does not constitute an extraordinary and compelling reason for
3 compassionate release. See 18 U.S.C. § 3582(c)(1)(A); U.S.S.G. §
4 1B1.13.¹ Under all of the relevant factors, defendant has not
5 shown that compassionate release is appropriate in this case.
6 Accordingly, the motion (Docket No. 249) is DENIED.

7 IT IS SO ORDERED.

8 Dated: May 10, 2021



9 **WILLIAM B. SHUBB**
10 **UNITED STATES DISTRICT JUDGE**
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25 ¹ The court recognizes that § 1B1.13 is not binding on
26 this court, though it "may inform a district court's discretion
27 for § 3582(C)(1)(A) motions filed by a defendant." United States
28 v. Aruda, 993 F.3d 797 (9th Cir. 2021). According, the court
considers the Sentencing Commission's policy statements in
deciding the instant motion.